

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-29 were pending. By this amendment, Claims 1, 18, and 19 have been amended and Claim 2 has been canceled without prejudice. Support for the amendments can be found in the specification at, for example, page 68, lines 12-18, page 70, line 13 to page 71, line 2, page 72, line 6-13, and page 73, line 7 to page 75, line 6. Thus, Claims 1 and 3-28 are currently pending in the application and subject to examination, of which Claims 1 and 18 are independent claims.

In the Office Action dated October 19, Claims 1-3, 7, 10, 13, 18-22, 25 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,855,725 to Fernandez et al. ("Fernandez") in view of U.S. Patent No. 5,404,505 to Levinson ("Levinson"), Claims 4, 5, and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fernandez in view of Levinson and in view of what was, according to the Office Action, "extremely well known in the art at the time of the applicant's invention," Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fernandez and Levinson in view of JP04032497 to Kigami et al. ("Kigami"), Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fernandez and Levinson in view of U.S. Patent No. 5,790,935 to Payton ("Payton"), Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fernandez and Levinson in view of U.S. Patent No. 6,556,561 to Himbeault ("Himbeault"), Claims 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez

and Levinson in view of U.S. Patent No. 5,903,901 to Kawakura ("Kawakura"), and claims 14-17, 24, 26, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fernandez and Levinson in view of Payton. Furthermore, in reply to the Applicants' Amendment filed July 27, 2008, the Examiner alleged that Fernandez is capable of performing the intended use (of the first and second queues), and thus the rejection remains proper. To the extent that these rejections remain against the claims as pending, the Applicants hereby traverse the rejections as follows.

Applicants respectfully submit that the cited prior art, taken alone or in combination, fails to teach or suggest at least the following combination of features: the electronic books are received from at least one remote provider, and each of the electronic book viewers of the subscribers includes a local memory, first queues that temporarily store first sections of electronic books; and second queues that temporarily store second sections of electronic books, wherein the electronic books include order-on-demand electronic books and popular electronic books, the order-on-demand electronic books are received from the at least one remote provider upon requests from the subscribers and the popular electronic books are pre-loaded into at least one of the main memory and a memory installed within the viewers of the subscribers, and wherein the second sections of electronic books are delivered when an order is made by a subscriber, as recited in amended Claim 1.

Furthermore, the cited prior art, taken alone or in combination, fails to teach or suggest at least the following combination of features: the electronic books include order-on-demand electronic books and popular electronic books, the order-on-demand

electronic books are loaded from the at least one remote provider upon a request from a subscriber and the popular electronic books are pre-loaded into at least one of the main memory and a memory installed within a viewer of the subscriber, and a queue server that empties the queue section based on a queue priority model, as recited in amended Claim 18.

As admitted by the Examiner, Fernandez fails to teach or suggest delivery to subscribers via at least one of an internet network, a cable telephone network, and a broadcasting network. The Applicants, however, respectfully submit that Fernandez further fails to teach or suggest at least that the electronic books are received from at least one remote provider, the electronic books include order-on-demand electronic books and popular electronic books, the order-on-demand electronic books are received from the at least one remote provider upon requests from the subscribers and the popular electronic books are pre-loaded into at least one of the main memory and a local memory of the local memory of the electronic book viewers of the subscribers, and the second sections of electronic books are delivered when an order is made by a subscriber, as recited in Claim 1, as amended.

Accordingly, neither Fernandez nor Levinson, when taken singly or in combination thereof, teaches or suggests the features of amended Claim 1, as described above. Claim 1, as amended, is, therefore, allowable over the cited art.

As Claim 18, as amended, also recites similar features as amended Claim 1, for at least the same reasons, Applicants respectfully submit that independent claim 18 is

allowable over Fernandez in view of Levinson. As such, the rejection of Claims 1 and 18 under 35 U.S.C. 103(a) should be withdrawn.

Regarding claims 3-17 and 19-28, Applicants respectfully submit that none of Kigami, Payton, Himbeault, and Kawakura cure the deficiencies of Fernandez and Levinson. In addition, at least due to their dependencies from one of allowable amended Claims 1 and 18, these claims are also allowable over the cited art.

Conclusion

For all of the above reasons, it is respectfully submitted that the claims now pending patentably distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, Applicants hereby petitions for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this

communication to Deposit Account No. 01-2300, referring to client-matter 026880-00004.

Respectfully submitted,
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